

The Salisbury Planning Board held its regular meeting on Tuesday, October 12, 2004, in the City Council Chamber of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Brian Miller, Rodney Queen, Sandy Reitz, Jeff Smith, Valerie Stewart, Albert Stout, and Rev. Jerry Wilkes

ABSENT: Len Clark, Mitzi Clement, Dr. James Johnson, Lou Manning, and Diane Young

STAFF: Janet Gapen, Dan Mikkelson, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker, Patrick Ritchie, Wendy Spry

The meeting was called to order by Co-Chairman **Rodney Queen**. The minutes of the September 28 meeting were approved as published. Reverend Jerry Wilkes offered an invocation.

Joe Morris introduced the new staff liaison to the Planning Board, **Preston Mitchell**, Senior Planner. Mr. Mitchell comes to Salisbury by way of Nashville, Tennessee where he worked as a planner for the Planning Commission. This is the type of code that Salisbury is developing through our Land Development Ordinance Committee. Preston is bringing a tremendous amount of experience on form-based codes to Salisbury.

Preston is a native of Chattanooga, Tennessee and educated at the College of Charleston. He has an interest in historic preservation. Both Preston and the Planning Board are looking forward to working together.

ZONING MAP AMENDMENTS

(a) Z-15A-04 City of Salisbury, Downtown B-6 to B-5 (East)

LOCATION: Parts of the area generally located to the north and south of East Innes Street in the vicinity of East Fisher Street, Lee Street, East Council Street and Depot Street.

Size: 20.1 acres, 41 parcels

From: B-6 General Business

To: B-5 Central Business

After the explanation of a Courtesy Hearing, Janet Gapen made a staff presentation. Janet explained that the East and West sections of downtown B-6 are the final phases of the downtown rezoning of properties from B-6 to B-5. The committee has studied the downtown area for approximately six months; this prepares the downtown for the new City Ordinance that is anticipated for August of 2005. The B-6 district will translate to a district more suitable for a transportation corridor.

There are no required setbacks in B-5, so redevelopment can be built to the street. There are approximately 12-15 uses that will not be allowed in B-5 that are currently allowed in B-6. These uses include: gymnasiums, auto body shops, tire retreading, pool hall, equipment sales, video arcade, mini warehousing, mobile home sales lots, and wholesalers.

There will be a difference in the sign requirements in B-5. They will be lower in height and smaller in square footage.

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request:

Clyde Overcash, 224 E. Bank Street, has concerns about his R-6 property being adjacent to B-5 zoning. He feels that this particular residential neighborhood needs its zoning to be evaluated. Brian Miller explained that only the current B-6 would be included in this rezoning, but Mr. Overcash could apply for rezoning of his property as a separate zoning case.

Mr. Overcash protested the fact that side and rear setbacks may be zero to four feet, provided property adjoins an unobstructed space of at least 10 feet in width; that may be an alleyway, driveway or easement. Janet Gapen explained that new development screening requirements for B-5 adjoining R-6 is a 25-foot buffer with complete visual separation.

Mr. Overcash felt that the railroad track should be a natural boundary for the corridor. The committee explained that they tried to follow the historic district overlay boundary, which meant that the Bernhardt House was included along with the vacant lot that is currently used for ingress and egress to that property.

The chairman closed the Courtesy Hearing on this case.

Board Discussion

Mr. Miller recapped the purpose of the downtown B-6 to B-5 zoning and the efforts on the part of the committee. **Jeff Smith** mentioned that the area near the Cheerwine building has already been zoned B-5. There have been some minor zoning corrections in the downtown prior to this effort. Any nonconforming uses in the B-5 area was already non-conforming in the B-6 zoning.

Sandy Reitz made a motion to accept Z-15A-04 as submitted. **Jerry Wilkes** seconded the motion with all members voting AYE.

(b) **Z-15B-04** City of Salisbury, Downtown B-6 to B-5 (West)

LOCATION: Parts of the area generally located to the north and south of West Innes Street in the vicinity of Church Street, South Jackson Street, Fulton Street, West Council Street and West Liberty Street.

Size: 18.4 acres, 16 parcels

From: B-6 – General Business

To: B-5 – Central Business

Janet Gapen identified the area and explained that this is very much like Part A of this case.

Those speaking in favor of the zoning change request: None

Those speaking in opposition to the zoning change request: None

The chairman closed the Courtesy Hearing on this case.

Board Discussion

Mr. Miller felt that the lack of public comment indicated their acceptance of this proposal. **Jeff Smith** made a motion to accept Z-15B-04 as submitted. **Albert Stout** seconded the motion with all members voting AYE.

Jeff Smith suggested that a committee take a look at the parking exempt status with the extension of the B-5 areas in the future.

GROUP DEVELOPMENT SITE PLANS

(a) **G-17-04** Salisbury Cone, LLC

David Phillips made a staff presentation. Mr. Phil Pritchard, for Salisbury Cone, LLC, submitted the application to convert existing buildings into multiple units for the tenants at the existing site at 705 S. Railroad Street. All zoning criteria have been met. The Technical Review Committee recommends approval of the application, as revised. (Dumpster location) Issues must be resolved with the Utility and Fire Departments before any more tenants move into these warehouses.

Public Comment

None

Board Discussion & Recommendation

Jeff Smith stated his concerns about the “blank check” potential this appears to have. He would be more comfortable knowing what type of businesses will be operating there. Although a business would have to apply for a license, and many uses are allowed in M-1, a master plan is desirable.

Two of the existing warehouses are now leased to a towing service and for racecar fabrication. This property is zoned for industrial use. If no further changes occur to the building footprint it will not be necessary to come before the Planning Board again.

Board members agreed that they would like to see this property in use.

Jeff Smith made a motion to send G-17-04 to committee. **Sandy Reitz** seconded the motion. Sandy Reitz and Jeff Smith are the only two who voted in favor of this motion. (2 AYES, 5 NAYS)

Jerry Wilkes made a motion to support the Technical Review Committee's recommendation. **Albert Stout** seconded the motion. The motion was approved 5-2. (Sandy Reitz and Jeff Smith voted NAY)

(b) G-05-04 City of Salisbury, Police Department

David Phillips made the staff presentation. Deb Young, for the City of Salisbury, resubmitted the application for the construction of a 14,000 square foot building addition to be located at the existing site at 130 East Liberty Street. Rollout units will continue to be used for refuse collection. There are no dumpsters proposed. All zoning criteria have been met. This property was recently rezoned to B-5 in order to build to the street. The Technical Review Committee (TRC) recommends approval of the application, as revised.

There is a handicap ramp that extends five feet into the public sidewalk; although it is allowed under Section 22.18 of the City Code, TRC prefers not to set this precedent and would like to see the architect move it back. The original site plans did not show the ramp in the sidewalk right-of-way. There is a fiber optic control box that will have to be moved as a result. There will be a stop sign at the same corner that also concerns staff.

This property is located in the historic district and the overall concept has been approved by the Historic Preservation Commission.

The sidewalk was proposed to be decorative concrete and brick. Staff requested that the concrete be replaced with a lighter color of brick.

Public Comment

Jeffrey Sowers, 117 Circle Drive, represented KKA Architecture. Mr. Sowers pointed out a list of the aesthetics important to the project. There has been appropriate integration of the new and old buildings. The building has been "pushed to the street" as suggested in the Vision 2020 plan. This new structure provides a strong public presence - both urban and municipal. They have paid much attention to the details of the various windows. The ramp encroaches the sidewalk by five feet due to the footprint. It probably could be moved in the opposite direction, but it could damage a willow oak tree that they would like to save.

Board Discussion & Recommendation

Jerry Wilkes said this is a City building and since City staff has a problem with it the problem should be addressed. **Albert Stout** agreed and added that the original plan posed no problem and the ramp was not in the path of the sidewalk.

Rodney Queen stated that there are allowances in the ordinance for designing in the tighter spaces of downtown; this is probably appropriate to approve with the ramp encroachment.

Jeff Smith made a motion to approve G-05-04 as submitted. **Brian Miller** seconded the motion. The motion was approved by a 4-3 vote. (V. Stewart, B. Miller, R. Queen, J. Smith voted in favor; J. Wilkes, S. Reitz, A. Stout voted against)

PRELIMINARY PLAT SUBDIVISION

S-07-01 for South Crest Business Park

Patrick Ritchie, made a staff presentation on behalf of the preliminary subdivision plat for South Crest Business Park, which was reviewed by the Technical Review Committee (TRC) on September 28, 2004. This plat is a renewal of a previous plat S-07-01 which was approved by Planning Board with conditions on October 9, 2001.

The property is owned by Parkdale Mills and is located off South Main Street across from their existing mill. In Phase 1, existing Hedge Street will be removed, and a portion of Kizer Street will be realigned. A new industrial street with a landscaped entrance will be constructed to replace Hedge Street. Due to the nature of industrial marketing, lot lines have been shown to establish a subdivision of lots, but the lot lines are likely to be revised in the future based on the needs of prospective buyers. The property is currently zoned B-1, B-7 and M-1 and may be developed for business uses.

The TRC noted the following requirements which must be met prior to preliminary plat approval:

- Street names must be reviewed and approved by Rowan County. The proposed use of Hedge Parkway to replace Hedge Street will be submitted to the county for approval.

- The developer must submit an application to close the unopened and abandoned portions of Hedge and Kizer Streets. The process must be complete before the final subdivision plat may be recorded. By NC statutes it is presumed that the right of way will be divided along the centerline of the right of way to be closed.
- The developer must clarify the ownership or establish a parcel number for the property located between the closed right of way of Hedge Street and the proposed Hedge Parkway.
- Existing and proposed water and sanitary sewer mains must be shown on the preliminary plat.
- Cotton Street has been closed between Cottage Street and South Main Street. This closure and correct street names must be shown on the preliminary plat.
- Sidewalks are required on both sides of all new subdivision streets.
- Sidewalks are required along the frontage of any existing thoroughfare adjacent to the subdivision. The existing Mill property and a 6-acre parcel at the intersection of Rowan Mill Road and South Main Street qualify as existing lots and are exempt from this requirement. Properties between existing Hedge and Guffy Streets are not owned by Parkdale Mills and are also exempt. Therefore, the standard applies only to Parcel 4, with about 200' of frontage on South Main Street. The developer was previously granted relief from the sidewalk requirement for Parcel 4 because there was no connecting sidewalk in the area. Sidewalk has now been installed on American Drive which would interconnect with Parcel 4; therefore a 5-foot wide concrete sidewalk is required on Parcel 4 along the frontage with South Main Street to connect to the existing sidewalk on American Drive.

The TRC discussed some relief relative to implementation of the subdivision standards. If Planning Board concurs with these recommendations, they will become required conditions of Preliminary Plat approval:

- A. Sidewalks are required on both sides of all new streets "at the edge of the right of way." The developer is proposing to dedicate a right of way that is slightly wider than minimum (70' versus 60', and wider at the entrance), and was previously granted relief to install the sidewalk along Hedge Parkway a uniform distance of 8' behind the curb. Staff recommends that relief from the standards be granted as previously approved.
- B. Kizer Street is shown to be extended approximately 150' to intersect with South Crest Parkway. The developer was previously granted relief to allow design standards for the extension of Kizer Street to be modified to match the existing street in accordance with Section 5.03.3.a of the Subdivision Ordinance. Staff recommends that relief from the standards be granted as previously approved.
- C. Phase 1 of South Crest Parkway will meet the new 800' maximum distance between intersections; however, future phases will not. In reviewing this issue, the TRC identified that industrial lots are frequently 10 - 20 acres with street frontages that may exceed the 800' distance. Given that 800' was established with residential development in mind, staff recommends relief be granted in accordance with section 5.05.2 of the subdivision ordinance and that a different standard for industrial subdivisions be considered by the Land Development Ordinance Committee.

- D. Cottage Street is an existing, substandard street that is not required to be improved by either the City or the developer. The developer previously proposed to share in the cost of making improvements to portions of Cottage Street. Under an existing policy, the City will provide all asphalt for widening and resurfacing if the adjacent property owners will dedicate necessary right-of-way, and pay for curb and gutter. The cost of storm drainage is negotiated on a case-by-case basis. No sidewalk is required for improvements to existing streets; however, staff recommends that sidewalks be included on both sides of any portion of Cottage Street that is improved. Details and costs will be developed during engineering design.

Approval Process:

Staff recommends that the Planning Board grant conditional approval for the preliminary plat, subject to any of recommendations A through D imposed by the Board. Approval will be subject to the following standard provisions:

1. Improvements for drainage, streets, sidewalks, water and sewer must be designed in accordance with City standards and policies. Engineering details have not been reviewed or approved as part of the preliminary plat approval.
2. All surveying and engineering plans must be tied to the NC State Plane Coordinate System. The City will assist in establishing coordinates for the original tie if necessary.
3. Erosion control must be provided in accordance with Rowan County regulations. For more information, contact: Mr. Greg Greene, Environmental Specialist, Rowan County Environmental Services; telephone 704-638-3078.
4. Future phases are located outside of the City limits and must request voluntary annexation in exchange for connections to City water and sewer. This standard does not apply to Phase 1.
5. Building permits will not be issued for property in future phases of South Crest Business Park until appropriate improvements are installed and the respective final plats are recorded.
6. When development of future phases occurs, Hedge Parkway must be completed to ensure connectivity across the creek to Airport Loop Road.
7. Approval of a preliminary plat will be valid for two years. Extensions of plat approval may be requested for no cost in advance of the expiration date, or for 50% of standard fees after the expiration date.

Mr. Ritchie did recommend that this development apply for voluntary annexation.

Public Comment

John Sarn is the Vice President of Real Estate for Alliance, which is a subsidiary of Parkdale Mills. He gave some background on the various discussions the developer has had with the City Manager and numerous City Staff members. This is a "leap of faith" - that the development will do well. He did not have any major problems with the Parcel 4 sidewalk but sidewalks to nowhere do concern him. The sidewalk along Hedge Parkway is of greater concern. If they are required to install sidewalks on both sides of the street, some 75-year-

old red maple trees would be lost. They are requesting this exemption, as it was granted in 2001.

Board Discussion

The staff answered the request from Jeff Smith for clarification on the Hedge Parkway sidewalk. Mr. Ritchie said staff felt that the street could be shifted to the north, and that staff would not be in favor of losing the trees. (The trees did not show on the plan.)

Jeff Smith made a motion to approve the preliminary subdivision plat for South Crest Business Park with the requirements of the preliminary plat listed above; that Planning Board grant relief as listed by TRC on A through D; Planning Board requires sidewalks on both sides of Hedge Parkway and adds a sidewalk to Parcel 4 that is adjacent to Hwy 29 and also the traditional conditions of approval of the seven items listed. **Albert Stout** seconded the motion with all members voting AYE.

OTHER BUSINESS

Albert Stout made a motion to eliminate the second meetings of November and December Planning Board. **Brian Miller** seconded the motion with all members voting AYE. There will be no Planning Board meeting on November 23 or December 28, 2004.

Janet Gapen reported that the three recent zoning map amendments and the three text amendments approved by the Planning Board had been approved by City Council and that the subject of traffic calming for Fulton Heights had been sent to a committee by Council.

Rodney Queen brought up the sidewalk committee, which has been on hold due to a staff shortage for the past two months. He voiced a concern about any hardship the requirements may be imposing on commercial builders. **Dan Mikkelsen** said that the Land Development Ordinance Committee will be addressing this issue.

COMMITTEE REPORTS

- (a) **Legislative Committee B** (Itinerant Merchants & Concessions) – (L. Clark, ch., S. Reitz, v. ch., R. Queen, J. Johnson, A. Stout) – **Sandy Reitz** drew attention to the committee report that was included in the agenda package. The committee wanted to know if the office issuing permits could offer some suggestions and committee members will ask the police department for some additional input. They found that the Health Department did not require nonprofits to follow any guidelines in the sale of food items. They will have a future meeting.
- (b) **Downtown B-6 to B-5** (B. Miller, ch.; J. Wilkes, v.ch.; R. Queen and J. Smith) This committee will look at the parking exempt issue mentioned earlier, but will schedule at a later date.

- (c) **Legislative Committee A** (Sign Ordinance) – (B. Miller, ch., J. Wilkes, v. ch., L. Manning, V. Stewart, D. Young) The committee has come to the decision that the current measuring process for three dimensional signs is adequate: measuring a sign at its highest and its widest to determine the square footage. They are recommending to the LDOC some criteria regarding three-dimensional signs. (1) Three-dimensional signs shall be displayed at ground level; (2) The size of these signs shall be computed in square feet using height at its tallest point and width at its widest point; (3) Size shall not exceed that allowed for ground signs in the district and shall be included in the overall allowable square footage for ground signs.

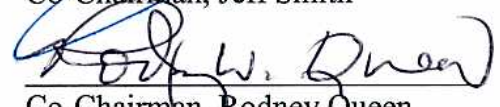
The current issue sparking so much debate is an enforcement issue.

Janet Gapen spoke to Lynn Raker, staff liaison for the Community Appearance Commission (CAC). Lynn mentioned that the CAC has an interest in participating in matters concerning the sign ordinance – especially regarding the special events signage. The next meeting could be coordinated with CAC through the planning office.

There being no further business to come before the Board, the meeting was adjourned.


Secretary, Diana Moghrabi


Co-Chairman, Jeff Smith


Co-Chairman, Rodney Queen